

<b>UTILITY PATENT APPLICATION TRANSMITTAL</b>  <i>(Only for new non-provisional applications under 37 CFR 1.53(b))</i>	<i>Title of Invention</i>	<b>Compounds and Methods for the Inhibition of the Expression of VCAM-1</b>
	<i>Named Inventor(s)</i>	<b>Patricia K. Somers</b>
	<i>Attorney Docket</i>	<b>ATH 109 CON6</b>
	<i>Express Mail Label No.</i>	<b>EV330778667US</b>

<b>APPLICATION ELEMENTS</b>	<b>ADDRESS TO:</b> Mail Stop Patent Application Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450
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<ol style="list-style-type: none"> <li>1. <input checked="" type="checkbox"/> <b>Fee Transmittal Form</b>  <i>(Submit an original, and a duplicate for fee processing)</i></li> <li>2. <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.</li> <li>3. <input checked="" type="checkbox"/> <b>Specification, Claims, and Abstract</b> <span style="float: right;">Total Pages <b>94</b></span></li> <li>4. <input type="checkbox"/> <b>Drawings</b> <span style="float: right;">Total Sheets</span></li> <li>5. <b>Oath or Declaration</b> <span style="float: right;">Total Pages</span> <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> Newly executed (original or copy)</li> <li>b. <input checked="" type="checkbox"/> Copy from prior application (37 CFR 1.63(d))  <i>(for continuation/divisional with Box 17 completed)</i> <ol style="list-style-type: none"> <li>(i) <input checked="" type="checkbox"/> A Copy of <b>DELETION OF INVENTOR(S)</b>                Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).</li> </ol> </li> </ol> </li> <li>6. <input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76.</li> <li>7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program <i>(Appendix)</i></li> <li>8. <b>Nucleotide and/or Amino Acid Sequence</b> <ol style="list-style-type: none"> <li>a. Submission <i>(if applicable, all necessary)</i> <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> Computer Readable Form (CRF)</li> </ol> </li> <li>b. Specification Sequence Listing on:               <ol style="list-style-type: none"> <li>i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or</li> <li>ii. <input type="checkbox"/> paper</li> </ol> </li> <li>c. <input type="checkbox"/> Statement verifying identity of above copies</li> </ol> </li> </ol>	<b>ACCOMPANYING APPLICATION PARTS</b> <ol style="list-style-type: none"> <li>9. <input checked="" type="checkbox"/> A Copy of the Assignment Papers (cover sheet &amp; document(s))</li> <li>10. <input type="checkbox"/> 37 CFR 3.73(b) Statement <i>(when there is an assignee)</i>  <input type="checkbox"/> Power of Attorney by assignee</li> <li>11. <input type="checkbox"/> English Translation Document <i>(if applicable)</i></li> <li>12. <input type="checkbox"/> Information Disclosure Statement (IDS) PTO-1449  <input type="checkbox"/> _____ Copies of IDS</li> </ol> <b>Citations</b> <ol style="list-style-type: none"> <li>13. <input type="checkbox"/> Preliminary Amendment 4 pp.</li> <li>14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503)  <i>(Should be specifically itemized)</i></li> <li>15. <input type="checkbox"/> Certified Copy of Priority Document(s)</li> <li>16. <input checked="" type="checkbox"/> Other: <u>Request for Filing a Continuation Application Under 37 CFR § 1.53(b) 2 pp.</u></li> </ol>
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<b>17. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:</b> <input checked="" type="checkbox"/> Continuation <input type="checkbox"/> Divisional <input type="checkbox"/> Continuation-in-part (CIP) of prior application No: 10/060,734 Prior application information: Examiner: Killos, Paul J. Group/Art Unit: 1625 <small>For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 5b, is considered as being part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation <u>can only</u> be relied upon when a portion has been inadvertently omitted from the submitted application parts.</small>
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<b>18. CORRESPONDENCE ADDRESS:</b> Sherry M. Knowles 45 <sup>th</sup> Floor 191 Peachtree Street, N.E. Atlanta, Georgia 30303	By: <u>Sherry Knowles for Patricia Somers</u> Reg. No. 33,052 Telephone: 404.572.3541 <u>Mobile 36,174</u> Facsimile: 404.572.5145 Customer No. 20786
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22389 U.S. PTO

10/647766



14230 U.S. PTO  
08/25/03

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No. : Continuation of U.S. Application No. 10/060,734  
Applicant : Patricia K. Somers  
Filed : Herewith  
Title : Compounds and Methods for the Inhibition of the Expression of VCAM-1  
  
TC/AU : Unassigned  
Examiner : Unassigned  
  
Docket No. : ATH 109 CON6

Commissioner for Patents  
Mail Stop Patent Application  
PO Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR FILING A CONTINUATION APPLICATION UNDER 37 CFR § 1.53(b)**

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Sir:

This is a request by Patricia K. Somers for filing a Continuation Application under 37 C.F.R. § 1.53(b) of pending prior application U.S. Serial No. 10/060,734, filed on January 30, 2002, currently pending.

Enclosed is a copy of the prior application U.S.S.N. 10/060,734 as originally filed on January 30, 2002. The application includes ninety-four pages of specification, claims and abstract, and no formal drawings.

Patricia K. Somers assigned her interest to AtheroGenics, Inc., which was recorded on July 9, 1998, at Reel 9329, Frame 0429. Enclosed is a copy of the executed Declarations for Patent Application and Powers of Attorney. Please note that in the grandparent application U.S.S.N. 09/079,213, a petition to correct inventorship was submitted to delete Russell M.

Medford, Lee K. Hoong, and Charles O. Meng as listed co-inventors. A copy of this petition is provided for the Examiner's convenience.

Applicants enclose a check for \$375.00 to cover the filing fee. The Commissioner for Patents is authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 11-0980.

Respectfully submitted,

*Sherry M. Knowles of express permiss —*  
*Model 36,174*  
Sherry M. Knowles  
Reg. No. 33,052

Date: August 25, 2003

**Express Mail Label EV330778667 US**

King & Spalding LLP  
191 Peachtree Street  
Atlanta, Georgia 30303  
404-572-4720 (telephone)  
404-572-5145 (facsimile)  
Attorney Docket No. ATH 109 CON 6

## FEE TRANSMITTAL

This sheet accompanies a patent application transmittal for the following application:

Inventor(s): Patricia K. Somers

Filing Date: August 25, 2003

Title: Compounds and Methods for the Inhibition of the Expression of VCAM-1

The filing fee is calculated as shown below:

### 1. FILING FEE:

SMALL ENTITY			LARGE ENTITY	
FOR:	FEE	FEE PAID	FEE	FEE PAID
<input checked="" type="checkbox"/> UTILITY FILING FEE	\$375.00	375.00	\$750.00	
<input type="checkbox"/> DESIGN FILING FEE	\$165.00		\$330.00	
<input type="checkbox"/> PLANT FILING FEE	\$255.00		\$510.00	
<input type="checkbox"/> REISSUE FILING FEE	\$370.00		\$740.00	
<input type="checkbox"/> PROVISIONAL FILING FEE	\$80.00		\$160.00	
SUBTOTAL (1)		375.00		

### 2. CLAIMS:

			SMALL ENTITY	LARGE ENTITY		
FOR:	NO. FILED	NO. EXTRA	RATE	FEE	RATE	FEE
TOTAL CLAIMS	9 - 20 =	0	x \$9 =	0	2 x \$18 =	
INDEP. CLAIMS	1 - 3 =	0	0 x \$42 =	0	0 x \$84 =	
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENTED			+\$140 =	0	+\$280 =	
SUBTOTAL (2)				0		

### 3. ADDITIONAL FEES:

SMALL ENTITY			LARGE ENTITY	
FOR:	FEE	FEE PAID	FEE	FEE PAID
<input type="checkbox"/> LATE FILING, FEE OR OATH				
<input type="checkbox"/> NON-ENGLISH SPECIFICATION				
<input type="checkbox"/> OTHER				
SUBTOTAL (3)				

TOTAL FILING FEES: \$375.00

A check is enclosed for the amount: \$375.00

☒ Charge any additional fees required under 37 C.F.R. 1.16 or 1.17 to Deposit Account 11-0980.

KING & SPALDING

45<sup>th</sup> Floor, 191 Peachtree Street, N.E.

Atlanta, Georgia 30303

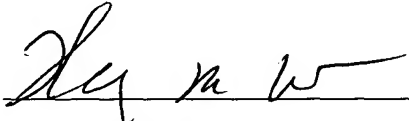
Telephone: 404.572.3541

By: Sherry M. Knowles Superior Wade Platt 11/17/03 Date: August 25, 2003

Sherry M. Knowles, Attorney for Applicant Reg. No. 33,052

**CERTIFICATE OF MAILING UNDER 37 CFR § 1.10**  
**FOR UTILITY PATENT APPLICATION FILING**

I hereby certify that this Request for filing a Continuation Application, Transmittal of Utility Patent Application, Utility Patent Application, and Fee Transmittal, along with any documents referred to as attached therein are being deposited with the United States Postal Service in an envelope as "Express Mail Post Office to Addressee", services under 37 C.F.R. 1.10, Mailing Label Number **EV 330778667 US** addressed to Mail Stop PATENT APPLICATION; The Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on August 25, 2003.

  
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Hoang M. Vo  
Reg. No 47,158